

# Harishchandra Vitthal Naik vs Goa Coastal Zone Management Authority on 2 June, 2026

BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE  
THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

\*\*\*\*\*

APPEAL NO. 20/2023(WZ)

IN THE MATTER OF:

Harishchandra Vitthal Naik  
H. No.10, Junas Wada,  
Mandrem Pernem,  
Goa- 403 527

.....Appellant

Versus

1. The Goa Coastal Zone Management Authority,  
4th Floor, Dempo Towers,  
Patto, Panaji,  
Goa 403001
2. The State of Goa  
Secretariat Porvorim,  
Goa 403 521
3. The S.D.O./ Deputy Collector,  
Pernem, Goa
4. Mr. Jayant G. Naik,  
Flat UGF-004, Building C,  
Pinto Ville, Socorro Bardez,  
Goa- 403 521

.....Respondents

Counsel for the Appellant:

Mr. Balkrishna Sardessai, Advocate for appellant

Counsel for the Respondents:

Ms. Supriya Dangare, Advocate for R-1, 2 & 3

Mr. Abhijit Gosavi, Advocate for R-4

PRESENT:

Hon'ble Mr. Justice Dinesh Kumar Singh (Judicial Member)

Hon'ble Dr. Sujit Kumar Bajpayee (Expert Member)

Reserved on : 15.04.2026

Pronounced on : 02.06.2026

APPEAL NO. 20/2023(WZ)

Page 1 of 12

JUDGMENT

1. This appeal has been filed, seeking quashing of direction dated 15.03.2023 passed by Respondent No.1- The Goa Coastal Zone Management Authority and to remand the matter back to the Respondent No.1 to conduct enquiry with reference to the permission and correspondence, in connection with the alleged structures. By the impugned order, the appellant is directed to demolish the offending structures i.e. Shack in Survey No.269/3 and G+1 RCC structure in Survey No.269/4, 5 and 6 of Junaswada, Mandrem, Pernem, Goa within 30 days of the receipt of the order.

2. The facts as gathered from the impugned order itself would reveal that the Respondent No.1 had received the complaint from one Mr. Vishwanath Kamat Desai dated 16.09.2020 alleging that Mr. Rajesh Kumar Mehra (Sunny) and Sudesh Kumar Mehra (Billa) had illegally carried out the construction of beach shack with bar, illegally cut sand dunes and had done illegal construction of retaining wall. They were also discharging the sewage in sea in Survey No.269/3 of Junaswada, Mandrem, Pernem, Goa.

3. On receipt of the said complaint, the site inspection was conducted by the Expert Member of GCZMA on 06.12.2020, wherein serious violation of CRZ Notification, 2011 was noticed and a Show Cause cum Stop Work Order dated 18.11.2021 was issued to the violators.

4. The matter was placed before the GCZMA in its 238th meeting held on 26.11.2020 for consideration, in which learned Advocate for the respondents i.e. Mr. Rajesh Kumar Mehra and Sudesh Kumar Mehra, submitted that notice is wrongly served upon them and that the property bearing Survey No.269/3 of village Mandrem did not belong to them rather belonged to Mr. Harishandra Naik (appellant herein) and therefore, notice be issued to him. Thereafter, the GCZMA decided to issue Stop Work Order Cum Show Cause Notice to the appellant- Mr. Harishandra Naik.

5. Thereafter, the GCZMA received a complaint dated 20.01.2021 from Respondent No.4- Mr. Jayant G. Naik with regard to illegally carrying out the construction of beach shack with Bar by Sunny Sunrise Beach Resort La De Su Beach, with further allegation of illegally cutting of sand dunes, illegally raising construction of retaining wall, and regarding discharge of sewage in sea in Survey No.269/3 of Junaswada, Mandrem, Pernem, Goa. Thereafter, one more complaint was received from Respondent No.4- Mr. Jayant G. Naik dated 20.01.2021 in respect of the illegal construction of structure carried out in Survey Nos.269/4, 269/5 and 269/6 of village Mandrem, Pernem, Goa by one Mr. Vithal H. Naik. An application for intervention was also filed by Respondent No.4- Mr. Jayant G. Naik.

6. In the meeting held on 30.09.2021 of the GCZMA, the Respondent- Sunny Sunrise Beach Resort submitted that the structure in question has all the permissions and that the same existed prior to

the year 1991. He has ground plus 2 floors as per an approved plan. The Respondent- Sunny Sunrise Beach Resort relied upon the plan and produced the same before the authority to prove that it had valid permission and that the structure was in existence prior to 1991. It was also stated that the structure in Survey No.269/4 is legal and had approval from Village Panchayat of the year 1986, wherein Village Panchayat had given permission to construct G+2 structure. The respondent- Sunny Sunrise Beach Resort also stated that the shack does not belong to him. The Authority had taken on record the application of the intervener i.e. Respondent No.4- Mr. Jayant G. Naik and that the same was allowed. The Authority after perusal of the plan, rejected the same because plan did not have the signature from the concerned Government Department. There was no date mentioned in the plan nor did it bear the signature of the owner. Thereafter, the Authority granted time to the Sunny Sunrise Beach Resort to take instructions and to make it clear on the documents to prove that the structure existed prior to 1991 and thereafter, the matter was posted on 07.10.2021. Since thereafter, the matter was considered by the GCZMA on many dates, details of which have been given in the impugned order. From time to time, various directions were issued to the parties regarding submission of the documents and evidence etc.

7. Thereafter, the matter was considered by the GCZMA in its 329th meeting held on 08.02.2023, wherein personal hearing was also given to the parties.

8. On the said complaint, inspection of the site in question was conducted by the Expert Members on 06.11.2020, in which following was observed:-

- i. No documents were produced to prove that the shack is legal;
- ii. In addition to shack, it is also observed at site a under construction of two storied building, landscaping blocks and a compound wall;
- iii. The adjoining plot indicates that this area could have been a coastal sand eco-system which is now damaged.

9. Accordingly, the GCZMA issued Show Cause cum Stop Work Order notice dated 02.11.2020 to the Respondent- Sunny Sunrise Beach Resort. After receipt of the notice, the Sunny Sunrise Beach Resort sent its reply dated 28.01.2021, claiming that structures in question were in existence for more than 4 to 5 decades, but Respondent- Sunny Sunrise Beach Resort failed to prove its contention. Thereafter, the Sunny Sunrise Beach Resort relied upon following documents:-

- i. House tax receipt bearing No. 22 dated 04/06/1986 issued by Gram Panchayat Mandrem, Pernem, Goa for structures bearing No.444/2444/3 and 444/4;
- ii. Copy of permission for repairs correspondence dated 04/06/1986 issued by Gram Panchayat Mandrem, Pernem, Goa;
- iii. Copy of permission No. 9/90-91 bearing Ref. No. VPM/PER/NOC/90-91/585 dated 07/09/1990 along-with the plan issued by Gram Panchayat Mandrem,

Permam, Goa; iv. Letter dated 12/12/1990. Intimated the village Panchayat regarding completion of work;

v. Copy of permission for repairs correspondence dated 06/05/1986 issued by Gram Panchayat Mandrem, Pernem, Goa;

vi. Copy of permission for repairs correspondence dated 16/10/1986 issued by Gram Panchayat Mandrem, Pernem, Goa;

10. It is recorded in the impugned order that on the basis of above documents, the Sunny Sunrise Beach Resort failed to prove that the structure stood prior to 1991 and that the permission was granted for commercial purpose.

11. Further, it is mentioned that when it was submitted by the Advocate of the complainant and Respondent No.4- Jayant G. Naik that the Sunny Sunrise Beach Resort had violated the directions issued for sealing the premises, the Authority decided to inspect the site to verify the position at loco. Accordingly, the site was inspected by the Expert Member and Engineer.

12. Further, it is mentioned in this order that during argument before the Authority, Advocate for the Respondent No.4/complainant submitted that he had made an application under RTI Act dated 24.06.2022, before the Village Panchayat Mandrem, seeking information in respect at the documents relied upon by the Sunny Sunrise Beach Resort, to which the Village Panchayat replied by saying that no permission was issued by the Panchayat to the Sunny Sunrise Beach Resort in respect of structures in question.

13. Further, it is recorded in this order that during the course of argument, the Sunny Sunrise Beach Resort filed an application providing certified copy of the Resolution book, but the Sunny Sunrise Beach Resort again failed to prove the existence of the said structures as the said resolution did not mention any house number or survey number. The Sunny Sunrise Beach Resort also failed to produce any permission obtained from GCZMA or any other statutory Authorities. No survey plan from the concerned Department was produced on record to prove the contention that the structures in question were in existence prior to 1991.

14. On the above analysis, it was held by the GCZMA that the appellant- Harishchandra Naik, who is owner of the Sunny Sunrise Beach Resort had constructed a new illegal structure without permission from the statutory authorities and had failed to place any document proving that the said structure existed prior to 1991.

15. Accordingly, the Authority held that the appellant failed to establish the very existence of the offending structure, i.e. shack in Survey No.269/3 and G+1 RCC structure in Survey Nos.269/5 & 6 of Janaswada, Mandrem, Pernem, Goa existed prior to 1991 and passed the impugned order ordering demolition of the said structures.

16. In the present appeal, impugned order has been assailed on the grounds that:-

i. Respondent No.1- The Goa Coastal Zone Management Authority has miserably failed to consider the facts that the documents, relied upon by the appellant, were pertaining to structures which were approved and passed by the competent authority before 1991 and therefore, in order to form a view in respect to those documents, Authority ought to have conducted preliminary enquiry by verifying the facts pertaining to the documents.

ii. Respondent No.1 has failed to appreciate the House Receipt bearing No.22 dated 04.06.1986 issued by the Gram Panchayat Mandrem, Pernem for structures No.444/2, 3 and 4.

iii. Respondent No.1 has failed to appreciate the permission for repair correspondence dated 04.06.1986 issued by Gram Panchayat Mandrem, Pernem, Goa.

17. In view of above, it is prayed that the impugned order may be set- aside.

18. The Respondent No.1- The Goa Coastal Zone Management Authority has submitted its reply dated 06.02.2024, wherein it is submitted that the receipt No.22 dated 04.06.1986, issued by the village Panchayat Mandrem, does not specify the survey number, hence the same cannot be relied upon. The documents annexed as Annexure A-3 and Annexure A-4, which are alleged permissions for repair of house No.444/2, 444/3 and 444/4 cannot be relied upon, as the local body i.e. Village Panchayat of Mandrem has categorically replied in response to the R.T.I application of the Respondent No.4/complainant that the said records do not form part of the records maintained by the Panchayat.

19. The permission for repairs at Annexure A6 is only for house No.444/1.

20. All above documents with respect to so called permissions to repair talks about repair of houses and from the said documents, it is evident that till date no authority has allowed the property to be used for commercial purpose.

21. It is further submitted that in view of the property, which is the subject matter of the present appeal is falling within NDZ, any construction and/or repair must be done with the prior approval of the answering respondent as per the CRZ notification. Hence, the present appeal should be rejected.

22. Respondent No.4/complainant has filed reply affidavit dated 26.07.2023, wherein denying all the averments of the appellant, it is stated that site inspection was carried out by GCZMA on 16.11.2020 and apart from the illegal construction in Survey No.269/3, the Authority also noticed another illegal construction of two storey building on the adjoining property bearing Survey Nos.269/4, 269/5 and 269/6, which were illegally carried out by the appellant. Relevant portion of the said inspection report is reproduced herein under :-

"In addition to the shack, it is also observed at site a under construction two-storey building landscaping blocks and compound wall. The adjoining plot indicates that this area could have been a coastal sand dune eco-system, which is now damaged.

Surveyors have done the survey work of the complaint site and will submit their findings. The new building which is being constructed at site has not been surveyed since this was not part of the complaint. It is recommended to ascertain legality of this construction to through a proper survey"

23. Thereafter, following violations have been found in the above inspection report:-

24. Further, it is mentioned that the additional illegal construction carried out by the appellant are extension of the said hotel and restaurant, which has been illegally constructed by the appellant adjoining the property bearing Survey No.269/4, 269/5 and 269/6 without obtaining permission from the Authority.

25. Further, it is mentioned that the appellant had relied upon house tax receipt wherein no house number or survey number was mentioned. The appellant claimed that he had sought permission for repair of the structure from Village Panchayat Mandrem and relied upon various permission of repairs and contended that CRZ Regulation does not apply to them.

26. Further, it is mentioned that the answering respondent had made an application under RTI Act dated 24.06.2022, before the Village Panchayat Mandrem, seeking information in respect of the documents relied by the appellant i.e. house tax receipt and copies of permission for repairs and came to know that House No. 444/1, 444/2, 444/3 and 444/4 were not registered in Village Panchayat record.

27. Similarly, RTI record also revealed that as per the construction licensee register, permission dated 16.10.1986 was not issued by the Panchayat nor were the construction licensee register permission No.9/90- 91 dated 07.09.1990 for House No.444/2, 444/3 and 444/4 in Survey No.269/3 issued by the Panchayat, and that all other construction permissions, which were placed, none of them were found issued by the Village Panchayat and based on this, it is said that the impugned order has been rightly passed and that the same does not deserve to be set- aside.

28. We have heard the arguments of the learned counsel for the parties and perused the entire record meticulously.

29. By the impugned order, the appellant has been directed to demolish the shack in Survey Nos.269/3 and G+1 RCC structure in Survey No.269/4, 5 and 6, Junaswada, Mandrem, Pernem, Goa and the same are found to be illegally constructed by the GCZMA.

30. In response to the above impugned order, learned counsel for the appellant tried to establish that these structures existed prior to 1991, therefore, the demolition could not have been ordered and for that, the documents, which were produced, have already been quoted above, which is House

Tax Receipt bearing No.22 dated 04.06.1986 allegedly issued by the Gram Panchayat, Mandrem, Pernem, Goa; copy of permission for repairs correspondence dated 04.06.1986 issued by the Gram Panchayat, Mandrem, Pernem, Goa; Copy of permission No.9/90-91 dated 07.09.1990 along-with the plan issued by the Gram Panchayat Mandrem, Pernem, Goa; Letter dated 12.12.1990 intimating therein the Village Panchayat regarding completion of work; Copy of permission for repairs correspondence dated 06.05.1986 issued by Gram Panchayat Mandrem, Pernem, Goa; and copy of permission for repairs correspondence dated 16.10.1986 issued by Gram Panchayat Mandrem, Pernem, Goa.

31. All these above documents are not found to be genuine by the Authority after having made scrutiny of the same.

32. After having heard the arguments of learned counsel for the parties we had decided vide order dated 25.02.2026 to get these documents verified as to whether they were issued by the Gram Panchayat Mandrem, Pernem, Goa or not, because of which the said documents were discarded by the GCZMA. In compliance with the said order, passed by this Tribunal, response is received from the Gram Panchayat Mandrem, Pernem, Goa dated 14.04.2026, in which following is replied:-

"DETAILED VERIFICATION REPORT

6. In compliance with the Orders dated 25.02.2026 and 23.03.2026, and the Show Cause Notice dated 07.04.2026, the Deponent has undertaken a thorough search of the available records of the Village Panchayat Mandrem, including the Construction License Register, House Tax Register, and Resolution Books, to the extent they are available and legible. The Deponent submits the following point-by-point Verification Report POINT NO. 1: House Tax Receipt dated 04.06.1986 issued in the name of the Appellant's father in respect of House Nos. 444/2, 444/3, and 444/4.

7. As per the available records, House Nos. 444/2, 444/3, and 444/4 is not registered in VP records.

POINT NO. 2: Repair Permission dated 04.06.1986 (annexed at page no. 35).

8. As per the records available with the Village Panchayat Mandrem, the Repair Permission dated 04.06.1986 bearing Ref.

No. VPM/HVN/Permission/86-87/333 for House Nos. 444/2, 444/3, and 444/4 is not issued by the Panchayat.

POINT NO. 3: Permission No. 9/90-91 dated 07.09.1990 issued by Village Panchayat Mandrem (annexed at page no. 36).

9. As per the records of the Village Panchayat Mandrem, Permission No. 9/90-91 dated 07.09.1990 bearing Ref. No. VPM/PER/NOC/1991/585 for House Nos. 444/2,

444/3, and 444/4 is not issued by the Panchayat.

POINT NO. 4: Repair Permission dated 26.05.1986 issued by Village Panchayat Mandrem (annexed at page no. 39).

10. As per the records, the Repair Permission dated 26.05.1986 bearing Ref. No. VPM/HVN/Permission/86-87/74 for House No. 444/1 is not issued by this Panchayat.

POINT NO. 5: Permission dated 16.10.1986 issued by Village Panchayat Mandrem, Pernem-Goa (annexed at page no. 40).

11. As per the records of the Village Panchayat Mandrem, the Permission dated 16.10.1986 bearing Ref. No. VPM/PER/NOC/86-87 is not issued by the Panchayat."

33. After having gone through the above reply, it is quite apparent that none of the documents which have been relied upon by the appellant, in order to establish that the structures in question existed prior to 1991, could prove that they were issued by the Gram Panchayat Mandrem, Pernem, Goa.

34. In view of above, we find no force in the argument of learned counsel for the appellant and therefore uphold the impugned order. Consequently, this appeal stands dismissed.

Dinesh Kumar Singh, JM Dr. Sujit Kumar Bajpayee, EM June 02, 2026 APPEAL NO. 20/2023(WZ)  
SAR